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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,861	09/10/2003	Boris A. Olshvanger	150-125	2081
21091	7590	12/18/2007		
JOHN H CROZIER 1934 HUNTINGTON TURNPIKE TRUMBULL, CT 06611			EXAMINER SMYTH, ANDREW P	
			ART UNIT	PAPER NUMBER
			2881	
			MAIL DATE	DELIVERY MODE
			12/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/657,861	Applicant(s) OLSHVANGER ET AL.	
	Examiner Andrew Smyth	Art Unit 2881	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/10/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "multiplayer" in claim 4 is used by the claim to mean "it is believed to mean multiplanar", while the accepted meaning is "a game were more than one player can play at the same time." The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 10, and 15, are rejected under 35 U.S.C. 102(b) as being anticipated by Lemonnier et al. , hereinafter Lemonnier, (US5,742,061).

Regarding applicant's claim 1, Lemonnier discloses: An entrance window for a gas filled radiation detector, comprising: a plastic core with electro conductive coatings on both an inner side and an outer side of said plastic core (abstract; column 6, lines 59-64; figure 1B, 8, 4, 5, 6, 7, 3).

Regarding applicant's claim 2, Lemonnier discloses: An entrance window for a gas filled radiation detector, wherein: said plastic core is a high barrier plastic film of low surface density (column 6, lines 59-64).

Regarding applicant's claim 3, Lemonnier discloses: An entrance window for a gas filled radiation detector, wherein: said plastic core is a polyethylene terephthalate film (column 6, lines 59-64; note: polyethylene is a thermoplastic; thus plastic is inclusive of polyethylene).

Regarding applicant's claim 4, Lemonnier discloses: An entrance window for a gas filled radiation detector, wherein: said polyethylene terephthalate film is multiplayer and oriented (column 6, lines 59-64; figure 6).

Regarding applicant's claim 10, Lemonnier discloses: An entrance window for a gas filled radiation detector, wherein: said electro conductive coating on said inner side of said plastic core comprises: at least one pair of "A"/"B" layers, where "A" of a first layer is placed directly on said plastic core and "B" of said first layer is placed on layer "A" (figure 5, 6b, 6c, 7b); see also (column 5, lines 5-36).

Regarding applicant's claim 15, Lemonnier discloses: An entrance window for a gas filled radiation detector, wherein: said electro conductive coating on said inner side of said plastic core comprises: at least one set of "A"/"B"/"C" layers, where "A" of a first layer is placed directly on said plastic core, "B" of said first layer is placed on layer "A", and "C" of said first layer is placed on layer "B" (figure 5, 7b, 6b, 6c, 10); see also (column 5, lines 5-36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 8-9, 12, 14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemonnier et al, hereinafter Lemonnier, (US5,742,061).

Regarding applicant's claims 5, 8-9, 12, 14, 18, and 20, Lemonnier discloses: the elements of applicant's claims 1, 10, and 15 that claims 5, 8-9, 12, 14, 18, and 20 depend upon respectively, see above.

In regards to claim 5, Lemonnier et al. differs from the claimed invention by not showing the "plastic core has a thickness of from about 12 μ n to about 36 μ n ". It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the plastic core with a thickness of from about 12 μ n to about 36 μ n,

since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 8, Lemonnier et al. discloses: an electro conductive layer composed of aluminum (column 2, lines 3-34).

In regards to claim 8, Lemonnier et al. differs from the claimed invention by not showing the "said electro conductive layer is aluminum of about 400 Angstrom thickness." It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the said electro conductive layer is aluminum of about 400 Angstrom thickness, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 9, Lemonnier et al. differs from the claimed invention by not showing the "said electro conductive layer is nickel of about 200 Angstrom, thickness". It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the " said electro conductive layer is nickel of about 200 Angstrom, thickness", since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 12, Lemonnier et al. differs from the claimed invention by not showing the "said "A" layer is about 50-100 Angstrom thick.". It would have been obvious to one having ordinary skill in the art at the time the invention was made to

create the "A" layer about 50-100 Angstroms thick., since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 14, Lemonnier et al. differs from the claimed invention by not showing the "'B" layer is about 400-500 Angstrom". It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the "B" layer about 400-500 Angstroms thick, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 18, Lemonnier et al. differs from the claimed invention by not showing the said "B" layer is about 300-400 Angstrom thick." It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the "B" layer about 300-400 Angstroms thick, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

In regards to claim 20, Lemonnier et al. differs from the claimed invention by not showing the "said "C" layer is about 200-300 Angstrom thick. ". It would have been obvious to one having ordinary skill in the art at the time the invention was made to create the "C" layer about 200-300 Angstrom thick, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

5. Claims 6, 11, 13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemonnier et al., hereinafter Lemonnier, (US5,742,061).

Regarding applicant's claims 6, 11, 13, 17, and 19, Lemonnier discloses: the elements of applicant's claims 1 and 10 that claims 6, 11, 13, 17, and 19 depend upon respectively, see above.

In regards to claim 6, the device differs from the claimed invention by not showing the element comprises a material selected from the group consisting of "aluminum, nickel, and inconel." It would have been obvious for the element to be composed of a material selected from the group consisting of "aluminum, nickel, and inconel", since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

In regards to claims 11 and 19, the device differs from the claimed invention by not showing the element comprises a material selected from the group consisting of "chromium, nickel, silver, and gold." It would have been obvious for the element to be composed of a material selected from the group consisting of "chromium, nickel, silver, and gold.", since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

In regards to claims 13 and 17, the device differs from the claimed invention by not showing the element comprises a material selected from the group consisting of "aluminum or titanium." It would have been obvious for the element to be composed of a material selected from the group consisting of "aluminum or titanium", since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

6. Claims 7, 16, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemonnier et al., hereinafter Lemonnier, (US5,742,061) in light of Beyne et al., hereinafter Beyne, (US5,731,584).

Regarding applicant's claims 7 and 16, Lemonnier discloses: the elements of applicant's claims 1 and 15 that claims 7 and 16 depend upon respectively, see above.

Regarding applicant's claim 7, however, Lemonnier lacks: a layer of chromium of about 50-100 Angstrom thickness is applied on said plastic core between said plastic core and said electro conductive layer.

Beyne teaches: a layer of chromium is applied on said plastic core between said plastic core and said electro conductive layer.

Regarding applicant's claim 16, however, Lemonnier lacks: said "A" layer is chromium.

Beyne teaches: said "A" layer is chromium (column 1, lines 33-48; see also (figure 4a-ab, 29, 27, 25, 24, 23, 22, 21).

In regards to claims 7 and 16, Beyne et al. differs from the claimed invention by not showing the "layer of chromium of about 50-100 Angstrom thickness and said "A" layer is chromium of about 50-100 Angstrom thickness. ". It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a "layer of chromium of about 50-100 Angstrom thickness" and also to create "said "A" layer is chromium of about 50-100 Angstrom thickness", since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d272, 205 USPQ 215 (CCPA 1980).

Regarding applicant's claim 21 , Lemonnier discloses: the elements of applicant's claim 10 that claim 21 depends upon, see above.

However, Lemonnier lacks: said inner layers are multiple "A"/"B" layers.

Beyne teaches: said inner layers are multiple "A"/"B" layers (figure 4a-ab, 29, 27, 25, 24, 23, 22, 21); see also (column 8, lines 14-48).

Regarding applicant's claim 22 , Lemonnier discloses: the elements of applicant's claim 15 that claim 22 depends upon, see above.

However, Lemonnier lacks: said inner layers are multiple "A"/"B"/"C" layers.

Beyne teaches: said inner layers are multiple "A"/"B"/"C" layers (column 1, lines 33-48) (figure 4a-ab, 29, 27, 25, 24, 23, 22, 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the elements of an entrance window for a gas filled radiation detector, comprising: a plastic core with electro conductive coatings on both an inner side and an outer side of said plastic core, as disclosed by Lemonnier, with multiple layers of electro conductive coatings, composed of materials known and used in the art, of certain thicknesses, as taught by Beyne, to utilize for their electro conductive properties for an electron avalanche device for use in a radiation detector to amplify the input signal.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See references cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Smyth whose telephone number is 571-270-1746. The examiner can normally be reached on 7:30AM - 5:00PM; Monday thru Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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A.S.


ROBERT KIM
SUPERVISORY PATENT EXAMINER